**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No. 16987 OF 2007**

**Dated 13th August 2007**

Between:

P.Rajeswar

…Petitioner

and

The Secretary,
Regional Transport Authority,
Adilabad, Adilabad District.

…Respondent

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No. 16987 OF 2007**

**O R D E R:**

The petitioner claims to be the owner of the vehicle bearing registration No.MP-09B-3504. It was seized on 18.6.2004 near Chincholy, by the Motor Vehicle Inspector (Enforcement), Adilabad, on the ground that the driver of the vehicle did not produce the originals of the Registration Certificate and other documents, and that there is no proof of payment of tax. Petitioner states that after seizure, he approached the respondent on number of occasions, seeking the release, and that no action has been taken thereon. He seeks the release of the vehicle.

Learned Government Pleader for Transport obtained instructions, at the stage of admission. He states that soon after the seizure, the necessary inspection was conducted, and it was found that apart from the irregularities mentioned in the check report, it was found that the vehicle did not contain any chassis number, at all. Crime No.113 of 2004 is said to have been registered against the petitioner, under

Sections 468, 471 and
420 of I.P.C.

Heard the learned counsel for the petitioner and learned Government Pleader for Transport.

More than three years have elapsed, ever since the vehicle of the petitioner was seized. Except initiating prosecution alleging certain offences under I.P.C., the respondent did not initiate any proceedings, against the petitioner. The question as to whether the documents produced by the petitioner are genuine or fake, would be established, only in the proceedings that are pending before any court. In case, the petitioner clears the tax up to the date of seizure and produces the original documents, the respondent cannot continue the seizure of the vehicle.

Hence, the writ petition is disposed of, directing that the respondent shall release the vehicle to the petitioner, on payment of the tax due up to the date of seizure and on production of the original records, which, in turn, shall be subject to the outcome of the proceedings, that may be initiated against the petitioner. There shall be no order as to costs.

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**13th August 2007**

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